

Remarks/Arguments

1. Applicant thanks Examiner for his careful review of the present application.
2. **Power of Attorney:** A new power of attorney is being filed concurrently with this paper. The Undersigned requests the corresponding change of correspondence address.
3. **Petition to Revive:** This application was unintentionally allowed to go abandoned. A petition to revive is attached to this paper. Payment will be provided when the petition is filed.
4. **Amendments to the Claims:** Claims 1 – 9 were cancelled and new claims 10 – 21 added. The new claims correspond more closely to the USPTO claims drafting conventions and formalities. Claim 10 now claims a device that has, *inter alia*, a first and second anchor means, each submerged in a body of water having a tidal flow, a sail submerged in the body of water, a transport means for transporting the sail along a path between the first and second anchor means in a first direction and along the same path in the reverse direction. Claims 11 – 21 all depend from claim 10.
5. **Rejections under 35 U.S.C. § 102(b):** Examiner rejected claims 1 – 3 and 5 – 9 as being anticipated by U.S. Patent 6,249,057 (Lehet). Lehet discloses energy conversion apparatus that relies on buoyancy to lift air-filled cylinders through a water-filled container and gravity to lower the cylinders in an air-filled container, the gravity-buoyancy forces forcing a rotational device to rotate and produce energy.
6. There are many structural differences between the Lehet apparatus and the claimed apparatus. Claim 1 of the present application as currently presented recites

anchor means that are submerged in a body of water that has a tidal flow, a transport means that transports a sail along a path between the first and second anchor means, wherein the sail is forced by the tidal flow in a first direction and, when the direction of the tidal flow reverses, is forced along the same path in the reverse direction.

7. Lehet does not disclose these limitations and, therefore, does not anticipate the tidal power station device of the present application.

8. Claims 11 – 21 depend from claim 10, which contains allowable subject matter, and thus, Applicant requests that the anticipation rejection be withdrawn against all claims.

9. **Rejections under 35 U.S.C. § 103(a):** Examiner rejected claim 4 as being obvious over Lehet. Claim 4 is now incorporated into claim 15, which is dependent from claim 10. Not only does claim 10, and thus, its dependent claim 15, contain allowable subject matter, but, in addition, Lehet does not disclose the structural limitations further recited in claim 15. Lehet does not disclose a sail with a two-part form that is connected to the vertical hinge shaft, nor would it have been obvious to one of skill in the art looking at Lehet, that one could construct a tidal power station device as currently claimed and which includes a vertical hinge shaft.

10. Applicant submits that the cited prior art does not render the currently claimed device obvious and requests that Examiner withdraw all rejections based on obviousness.

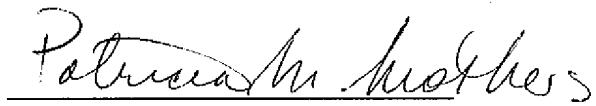
11. **Conclusion:** Claims 1 – 9 were cancelled and new claims 10 – 21 added. The new claims recite structural elements that are not disclosed in the prior art. Applicant submits that the tidal power station device of the present application is not anticipated or

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rendered obvious by the prior art and respectfully requests that Examiner allow all claims currently presented.

12. If questions pertaining to the present application can be resolved in a telephone interview or email correspondence, the undersigned kindly requests and welcomes such communication.

Respectfully submitted,

  
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Enclosed:  
Power of Attorney  
Petition to Revive